

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 5:18-cr-00026-10

PAUL W. BURKE,

Defendant.

**ORDER**

On October 3, 2019, the Defendant in this matter entered a plea of guilty in a separate action, Criminal Action No. 2:19-cr-00071 *United States v. Paul W. Burke*. The Defendant entered the aforesaid plea pursuant to a plea agreement containing a provision for the dismissal of Criminal Action No. 5:18-cr-00026-10 as to this Defendant if the plea in Criminal Action No. 2:19-cr-00071 is accepted.

WHEREFORE, the Court **FINDS** that a continuance of the previously scheduled trial date in this matter is appropriate, and further **FINDS** that the ends of justice served by granting a continuance outweigh the interest of the public and the Defendant in a speedy trial. Accordingly, the Court hereby **ORDERS** that the November 18, 2019 trial in this matter is **CONTINUED** as to this Defendant only. Lastly, the Court **FINDS** that the time between November 18, 2019, and the time necessary in Criminal Action No. 2:19-cr-00071 to either accept or reject the proposed plea agreement and, if accepted, the time necessary for entry of judgment therein, is excludable from

the computation of time within which trial must commence, pursuant to 18 U.S.C. § 3161(h)(1)(G) and 3161(h)(7)(A).

The Court **DIRECTS** the Clerk to send a copy of this Order to the Defendant and counsel, to the United States Attorney, to the United States Probation Office, and to the United States Marshal.

ENTER:        October 3, 2019

A handwritten signature in blue ink, reading "Irene C. Berger", is written over a horizontal line.

IRENE C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA